



COMMUNITY DEVELOPMENT SERVICES

ENVIRONMENTAL MANAGEMENT DEPARTMENT

<http://www.edcgov.us/EMD/>

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January 25, 2018

Kyburz Mutual Water System
P.O. Box 33
Kyburz, CA 95720
Attn: James Slaight

RE: KYBURZ MUTUAL WATER SYSTEM (PWS NO. 0900300)
CITATION NO. 01_39_18C_002_0900300_52
FAILURE TO COMPLETE TAP SAMPLING FOR LEAD AND COPPER IN THE SYSTEM

Enclosed is the County of El Dorado, Environmental Management Local Primacy Agency Citation No. 01_39_18C_002_0900300_52 issued to the Gold Beach Park Water System. Please note there are certain deadlines associated with this Citation. This citation is being issued for failure to complete required tap sampling for lead and copper in the distribution system.

Any person who is aggrieved by a citation issued by the El Dorado County LPA may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the citation. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the citation. The date of issuance is the date when the El Dorado County LPA mails or serves a copy of the citation, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions, please contact Jeffrey Warren at (530) 621-7628 or by email jeffrey.warren@edcgov.us, or Bryan Vyverberg at (530) 621-5924 or by email bryan.vyverberg@edcgov.us.

Sincerely,



Jeffrey Warren, REHS
Environmental Health Program Manager

Cc: Ali Rezvani, PE
Enc.

EL DORADO COUNTY
COMMUNITY DEVELOPMENT SERVICES
ENVIRONMENTAL MANAGEMENT DEPARTMENT

TO: KYBURZ MUTUAL WATER SYSTEM
PWSID No. 0900300

Attn: JAMES SLAIGHT
P.O. BOX 33
KYBURZ, CA 95720

CITATION NO. 01_39_18C_002_0900300_52
CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE
22, Division 4, Chapter 17.5, Article 3, SECTION 64675.5
FAILURE TO COMPLETE TAP SAMPLING FOR LEAD AND COPPER IN THE
SYSTEM
WATER SYSTEM NO. 0900300
Issued on January 25, 2018

Section 116650 of the California Health and Safety Code (CHSC) authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The El Dorado County Environmental Management Department (hereinafter "Department"), acting by and through its Local Primacy Delegation Agreement



1 (hereinafter "Agreement") and the California State Water Resources Control Board
2 (hereinafter "State Board"), hereby issues this citation (hereinafter "Citation") pursuant
3 to the Kyburz Mutual Water System public water system (hereinafter, "Water System")
4 for violation of California Code of Regulations (CCR), Title 22, Division 4, Chapter
5 17.5, Article 3, Section 64675.5.

6
7 **APPLICABLE AUTHORITIES**
8

9 **CHSC, Division 104, Part 12, Chapter 4, Article 1, Section 116271 (k)(2) states:**

10 (k)(2) The deputy director is delegated the State Water Resources Control Board's
11 authority to provide notice, approve notice content, approve emergency notification
12 plans, and take other action pursuant to Article 5 (commencing with Section 116450),
13 to issue, renew, reissue, revise, amend, or deny any public water system permits
14 pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any
15 public water system permit pursuant to Article 8 (commencing with Section 116625)
16 and to issue citations, assess penalties, or issue orders pursuant to Article 9
17 (commencing with Section 116650).
18

19 **CHSC, Division 104, Part 12, Chapter 4, Article 1, Section 116275 (b) & (ab)**

20 **states:**

21 (b) "Department" means the state board.

22 (ab) "State board" means the State Water Resources Control Board.
23

24 **CHSC Division 104, Part 12, Chapter 4, Article 9, Section 116650 states:**

25 (a) If the Department determines that a public water system is in violation of this
26 chapter or any regulation, permit, standard, citation, or order issued or
27 adopted thereunder, the Department may issue a citation to the public water

1 system. The citation shall be served upon the public water system personally
2 or by certified mail. Service shall be deemed effective as of the date of
3 personal service or the date of receipt of the certified mail. If a person to
4 whom a citation is directed refuses to accept delivery of the certified mail, the
5 date of service shall be deemed to be the date of mailing.

6 (b) Each citation shall be in writing and shall describe the nature of the violation
7 or violations, including a reference to the statutory provision, standard, order,
8 citation, permit, or regulation alleged to have been violated.

9 (c) A citation may specify a date for elimination or correction of the condition
10 constituting the violation.

11 (d) A citation may include the assessment of a penalty as specified in subdivision
12 (e).

13 (e) The Department may assess a penalty in an amount not to exceed one
14 thousand dollars (\$1,000) per day for each day that a violation occurred, and
15 for each day that a violation continues to occur. A separate penalty may be
16 assessed for each violation.

17
18 **CHSC Division 104, Part 12, Chapter 4, Article 9, Section 116655 states:**

19 (a) Whenever the state board determines that any person has violated or is
20 violating this chapter, or any order, permit, regulation, or standard issued or
21 adopted pursuant to this chapter, the state board may issue an order doing
22 any of the following:

23 (1) Directing compliance forthwith.

24 (2) Directing compliance in accordance with a time schedule set by the state
25 board.

26 (3) Directing that appropriate preventive action be taken in the case of a
27 threatened violation.

- 1 (b) An order issued pursuant to this section may include, but shall not be limited
2 to, any or all of the following requirements:
- 3 (1) That the existing plant, works, or system be repaired, altered, or added to.
4 (2) That purification or treatment works be installed.
5 (3) That the source of the water supply be changed.
6 (4) That no additional service connection be made to the system.
7 (5) That the water supply, the plant, or the system be monitored.
8 (6) That a report on the condition and operation of the plant, works, system, or
9 water supply be submitted to the state board.

10
11 **CCR, Title 22, Division 4, Chapter 17.5, Article 3, Section 64675 states:**

- 12 (a) During each period, each system shall conduct standard tap sampling by
13 collecting one sample from the number of sites based on the number of people
14 served specified in table 64675-A under Standard Tap Sampling.

- 15
16 (b) During each period, each system conducting reduced tap sampling shall collect
17 at least one sample from the number of sites based on the number of people
18 served specified in table 64675-A under Reduced Tap Sampling, as follows:

- 19 (1) The sites shall be representative of the sites required for standard tap
20 sampling.
21 (2) The samples shall be collected during the months of June, July, August, or
22 September, unless the Department approves an alternate set of four
23 months based on a review of the system's operations and lead and copper
24 data, in which case the system shall initiate sampling during the alternate
25 set of four months when directed in writing to do so by the Department, as
26 follows:

- 27 (A) No later than 21 months after the previous period, if sampling annually, or

(B) No later than 45 months after the previous period, if sampling triennially.

**Table 64675-A
Lead and Copper Tap Sampling Sites**

System Size	Standard Tap Sampling (Minimum Number of Sites)	Reduced Tap Sampling
>100,000	100	50
10,001 to 100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
<101	5	5

(c) Sample sites shall be selected pursuant to section 64676 (Sample Site Selection).

CCR, Title 22, Division 4, Chapter 17.5, Article 3, Section 64675.5 states:

- (a) A system shall conduct standard tap sampling for two consecutive periods; thereafter, tap sampling frequency may be reduced pursuant to section 64675 (General Requirements for Tap Sampling for Lead and Copper) as follows:
- (1) If a system has 90th percentile levels that do not exceed 0.005 mg/L for lead and 0.65 mg/L for copper for two consecutive periods, it may reduce the sampling to once every three years at the reduced number of sites;
- (2) For systems that do not meet the criteria in paragraph (1), after two consecutive periods with no action level exceedance, the frequency may be reduced to annually at the reduced number of sites, if the system receives written approval from the Department based on its review of the system's data. After sampling for three years (including the initial sampling year) with no action level exceedance, the frequency may be reduced to once every three years at the reduced number of sites, if the system receives written approval from the Department.



(b) If a system demonstrates for two consecutive periods that the difference between the 90th percentile tap sampling lead level and the highest source water monitoring result for each period is less than the reporting level for purposes of reporting (DLR), pursuant to subsections 64678(a), (b), and (c) or that the source water lead levels are below the method detection level of 0.001 mg/L and the 90th percentile lead level is equal to or less than the DLR for each period, the system shall conduct tap sampling once every three years.

CCR, Title 22, Division 4, Chapter 17.5, Article 3, Section 64677 states:

(a) All tap samples for lead and copper collected pursuant to this chapter, with the exception of lead service line samples collected under section 64689 (Lead Service Line Sampling) and samples collected under subsection (d), shall be first-draw samples, pursuant to subsection (b).

(b) A first-draw sample shall be one liter in volume and have stood motionless in the plumbing system of each site for at least six hours, but not more than twelve. Samples from residential housing shall be collected from the cold-water kitchen tap or bathroom sink tap. Samples from a non-residential building shall be collected at an interior tap from which water is typically drawn for consumption. Samples may be collected by the system or the system may allow residents to collect tap samples after instructing the residents of the sampling procedures specified in this section. To avoid problems of residents handling nitric acid, acidification of samples may be done up to 14 days after collection. After acidification to resolubilize the metals, the sample shall stand in the original container for the time specified by the method used pursuant to section 64670(c) before it can be analyzed. If a system allows residents to



perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

(c) A system shall collect each tap sample from the same site from which it collected a sample during the previous period. If the system cannot gain entry to a site in order to collect a tap sample, it may collect the tap sample from another site in its sampling pool as long as the new site meets the same criteria, and is as close as possible to the original site.

(d) A system that does not have enough taps to supply first-draw samples may apply to the Department in writing to substitute non-first-draw samples. Such systems shall collect as many first-draw samples as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites.

CCR, Title 22, Division 4, Chapter 17.5, Article 9, Section 64690.1 in relevant part states:

Each system shall report the following within the first 10 days after the end of each period during which such sampling or monitoring was conducted:

(a) For lead and copper tap sampling:

- (1) The results of all tap samples including the location of each site and the associated tier criteria from section 64676 (Sample Site Selection);
- (2) The 90th percentile lead and copper concentrations calculated pursuant to section 64678 (Determination of Exceedances of Lead and Copper Action Levels); and

(3) With the exception of the first period of tap sampling, an identification of any site that was not sampled during previous periods, along with an explanation of why the sampling site was changed;

CCR, Title 22, Division 4, Chapter 15, Article 18, Section 64463.7 in relevant part states:

(a) Each water system shall give public notice pursuant to this section if any of the following occurs:

(1) Monitoring violations;

STATEMENT OF FACTS

The Water System is operated under Water Supply Permit No. 0900300, issued on March 10, 2014.

The Water System is a community water system serving water to 116 service connections year-round. The Water system source of supply is a small stream with a dam. It is considered a surface water source.

The Water System has completed four rounds of monitoring for lead and copper in the distribution system since 2005 with no exceedances of the lead and copper action levels of 0.015 milligrams per liter (mg/L) and 1.3 mg/L, respectively. Past monitoring for lead and copper in the distribution system is summarized in the table below.

Round	Date	# of Samples		90 th % Lead, mg/L		90 th % Copper, mg/L	
		Required	Collected	Result	AL	Result	AL
1	9/2005	10	10	0.010	0.015	0.430	1.3
2	01/2009	10	10	0.006		0.110	
3	06/2009	10	10	0.003		0.120	

4	09/2011	5	5	ND		ND	
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In accordance with Section 64675.5(a)(2), Article 3, Chapter 17.5, Division 4, Title 22 of the CCR, the Water System is required to collect at least one set of five tap water samples from the distribution system every three years for lead and copper monitoring. The Water System last collected a set of five tap water samples on September 28, 2011. According to Department records, the Water System has failed to perform any monitoring for lead and copper in the distribution system since September 28, 2011.

DETERMINATIONS

The Department has determined that the Water System violated Sections 64675 and 64675.5, Article 3, Chapter 17.5, Division 4, Title 22 of the CCR, in that the Water System failed to perform the required tap water monitoring for lead and copper in the distribution system.

DIRECTIVES

The Water System is hereby directed to take the following actions:

- 1. Comply with Sections 64675 and 64675.5, Article 3, Chapter 17.5, Division 4, Title 22 of the CCR in all future monitoring periods.**
- 2. In accordance with Section 64675, Article 3, Chapter 17.5, Division 4, Title 22 of the CCR, collect a set of five tap water samples for lead and copper monitoring in the distribution system in accordance with monitoring**

procedures, as described in Section 64677, Article 3, Chapter 17.5, Division 4, Title 22 of the CCR, by no later than June 30, 2018.

3. In accordance with Section 64463.7, Article 18, Chapter 15, Division 4, Title 22 of the CCR, by no later than January 16, 2019, the Water System shall provide public notification for the lead and copper monitoring and reporting violations that have occurred since 2014:

a. By mail or hand delivery of the notice contained in Attachment A to each person served by the Water System.

AND

b. By publication of the notice contained in Attachment A in a local newspaper or by posting Attachment A in a conspicuous public place served by the Water System or on the internet.

OR

c. By including the notification in the annual Consumer Confidence Report.

Any proposed changes to the language or format of the public notice contained in Attachment A shall be approved by the Department.

4. Within 10 days of providing public notification, send this office a copy of your notification, a description of the methods used, and a signed statement that indicates the date the notification was provided by the Water System. Completing and returning the attached "CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION" form fulfills this requirement (Attachment B).



1 The Department reserves the right to make such modifications to this Citation as it
2 may deem necessary to protect public health and safety. Such modifications may be
3 issued as amendments to this Citation, and shall be deemed effective upon issuance.
4

5 Nothing in this Citation relieves Water System of its obligation to meet the
6 requirements of the California Safe Drinking Water Act, or of any regulation, permit,
7 standard, or order issued or adopted thereunder.
8

9 All submittals required by this Citation shall be submitted to the Department at the
10 following address:

11
12 Jeffrey Warren, REHS
13 Environmental Management Programs Manager
14 El Dorado County
15 Community Development Services
16 Environmental Management Department
17 2850 Fairlane Court, Building "C"
18 Placerville, CA 95667
19 (530) 621-7628
20

21 **PARTIES BOUND**
22

23 This Citation shall apply to and be binding upon the Water System, its officers,
24 directors, shareholders, agents, employees, contractors, successors, and assignees.

25 **SEVERABILITY**
26

27 The Directives of this Citation are severable, and the Water System shall comply with
28 each and every provision thereof, notwithstanding the effectiveness of any other
29 provision.
30

1 **FURTHER ENFORCEMENT ACTION**

2

3 The California SDWA authorizes the Department to: issue citation with assessment of

4 administrative penalties to a public water system for violation or continued violation of

5 the requirements of the California SDWA or any permit, regulation, permit or order

6 issued or adopted thereunder including, but not limited to, failure to correct a violation

7 identified in a citation or compliance order. The California SDWA also authorizes the

8 Department to take action to suspend or revoke a permit that has been issued to a

9 public water system if the system has violated applicable law or regulations or has

10 failed to comply with an order of the Department; and to petition the superior court to

11 take various enforcement measures against a public water system that has failed to

12 comply with violates an order of the Department. The Department does not waive any

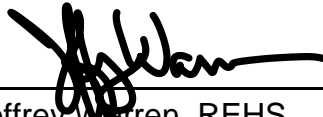
13 further enforcement action by issuance of this citation.

14

15

16 1/25/2018

17 Date

18 
Jeffrey Warren, REHS
Environmental Management Programs Manager
El Dorado County
Community Development Services

21 **Attachments:**

- 22
- 23 A. Tier 3 Public Notification Template
- 24 B. Proof of Notification Form
- 25

26

27 cc: Ali R. Rezvani, P.E.

28 Sacramento District Engineer

29 Division of Drinking Water

30 State Water Resources Control Board